

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOHN O. WALKER,	:	
	:	5:05-cv-222 (CAR)
Petitioner,	:	
	:	
vs.	:	HABEAS CORPUS
	:	28 U.S.C. § 2254
MICHELLE MARTIN, Warden,	:	
	:	
Respondent.	:	

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is a Report and Recommendation (Doc.54) from United States Magistrate Judge Claude W. Hicks, Jr., that recommends granting Respondent's Renewed Motion to Dismiss the Petition for Failure to Exhaust State Remedies (Doc. 53). No Objections have been filed. Pursuant to 28 U.S.C. § 636, the Court has thoroughly considered Respondent's Motion, Petitioner's Response, and the Recommendation. Although Petitioner has failed to fully appeal the state court's denial of his Motion for a New Trial, the inordinate delay experienced by Petitioner in attempting to appeal his conviction has rendered his state remedy ineffective. Accordingly, the Recommendation is **ACCEPTED** and Respondent's Motion to Dismiss the Petition for Failure to Exhaust State Remedies is **DENIED**.

SO ORDERED, this 18th day of September, 2007.

S/ C. Ashley Royal

C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

SCS/ssh